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Attorneys for Debtor

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE:  KC TRANSPORT, LLC,  Debtor.	Case No. 1:25-bk-10010-BPH  <b>MOTION TO SHORTEN THE OBJECTION PERIOD FOR KC TRANSPORT'S FIRST MOTION TO SELL</b>
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KC TRANSPORT, LLC, Debtor and Debtor-in-Possession (“KC Transport”), by and through its attorney, James A. Patten, moves this Court to reduce the twenty-one day time period to object to its FIRST MOTION TO SELL OUTSIDE THE ORDINARY COURSE OF BUSINESS (ECF No. 36) to ten days.

In support hereof KC Transport states:

1. KC Transport seeks to sell items of its rolling stock equipment for the purpose of generating operating capital and funding the refurbishment of certain items of the remaining rolling stock. In this chapter 11 case, KC Transport’s plan is to liquidate significant portions of its property while retaining the balance and continue its operations on a reduced scale. Toward that plan, KC Transport has identified several sales of equipment consistent with such plan.

2. Two items of equipment, J&L Aluminum Pneumatic trailer and pup-trailer combinations, are free of existing liens; KC Transport seeks approval to sell such trailers at a price not less than 90% of its proposed price of \$150,000 per trailer and pup-trailer combinations. KC Transport seeks approval in advance of any sale so that it can immediately close a sale if an acceptable price of the minimum or more is paid.

3. Two other items proposed to be sold are two goose-neck trailers, a Midsota 36' triple axel trailer and a Maxx D 30' tandem dual flatbed trailer. Both the Midsota trailer and the Maxx D trailer are subject to liens held by Loeb Term Solutions. KC Transport has negotiated, but not closed, the sale of both trailers to an individual in Elko, Nevada. KC Transport proposes to sell both trailers for the combined price of \$36,000; Loeb Term Solutions has appraised the value of both trailers at \$14,000.<sup>1</sup>

4. A motion for the sale of property outside the ordinary course of business has a 21-day notice required by F. R. Bankr. P. 2002(a)(2). This Court has the authority to regulate notices under F. R. Bankr. P. 9007. The power of this Court to regulate notice includes the power to reduce the time periods specified in F. R. Bankr. P. 2002(a)(2), which expressly allows a reduction of the notice period “for cause shown.”

5. As noted, there are four items for sale, two of which have an existing buyer and two of which will have to be marketed for sale. The “cause” for the reduced time differs between the two groups of sale. With regard to the sale of the J&L trailers and pup-trailers, KC Transport proposes to market the trailers through an equipment sale publication while otherwise retaining the decision to accept purchase offers; KC Transport seeks approval to sell only if a certain price point is achieved, 90% or more of \$150,000 for each of the J&L trailer and pup trailer

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<sup>1</sup> Loeb Term Solutions has a Motion for Relief from the Stay pending (ECF No. 27); that motion is scheduled for hearing on May 13.

combinations. These trailers are not subject to any liens. As noted in the Sale Motion, KC Transport intends to use the proceeds from the sale of the trailers to pay necessary operating costs and to fund the refurbishment of other trucks and trailers in order to prepare them for sale. The reduction of the notice period will facilitate getting the J & L trailers on the market and the generation of funds to refurbish other items of rolling stock.

6. The two other trailers proposed for sale have an identified purchaser who is willing to pay a price substantially in excess of the value asserted for the trailers by the lienholder, Loeb Term Solutions. The proposed sale is advantageous to KC Transport and the proceeds will be paid to the lienholder. The existence of a ready buyer purchasing the trailers for a price in excess of Loeb Term Solutions' appraised value provides "cause" to shorten the notice period.

7. The undersigned has communicated to counsel for Loeb Term Solutions the request to shorten the notice period but has received no response. The undersigned has communicated with Andrew Jorgenson, attorney at the U.S. Trustee's Office, but Mr. Jorgenson has not consented to the reduction of time.

Wherefore the foregoing, KC Transport moves this Court to reduce the objection period from twenty-one days to ten days on the First Motion of KC Transport to Sell Property Outside the Ordinary Course of Business.

DATED this 25th day of April, 2025.

**PATTEN, PETERMAN, BEKKEDAHL & GREEN, P.L.L.C.**

By:/s/JA Patten

James A. Patten  
Attorney for Debtor

**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify under penalty of perjury that on the 25th day of April, 2025, a copy of the foregoing was served by electronic means pursuant to LBR 9013-1(d)(2) on the parties noted in the Court's ECF transmission facilities and/or by mail upon the following parties:

See attached mailing matrix  
\*The attached list will not be mailed out to creditors but will be on file with the United States Bankruptcy Court. A copy will be provided upon request

By: /s/JA Patten  
Patten, Peterman, Bekkedahl & Green, PLLC